

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

SAHEED B. DAIRO,

Defendant.

**8:22CR35****ORDER**

On March 19, 2024, the Court sentenced defendant Saheed Dairo (“Dairo”) to 175 months imprisonment to be followed by 5 years of supervised release for bank fraud and aggravated identity theft. *See* 18 U.S.C. §§ 1028A(a)(1), 1344. Pursuant to his plea agreement (Filing No. 43), Dairo ostensibly waived the right to appeal his conviction and sentence. Still, on April 1, 2024, Dairo notified the Court he was “filing [his] appeal *pro se*.” *See* Fed. R. App. P. 3.

Now before the Court is Dairo’s *pro se* Application to Proceed in District Court Without Prepaying Fees or Costs (Filing No. 61), which the Court construes as a motion to proceed in forma pauperis on appeal. *See* Fed. R. App. P. 24. Throughout the proceedings against him, Dairo retained counsel to represent him. Despite his *pro se* filings, counsel still represents him in his appeal.<sup>1</sup>

Under Rule 24, a party who has been able to afford retained counsel in the district-court action must “file a motion in the district court” and attach to it an affidavit demonstrating the “party’s inability to pay or to give security for fees and costs” on appeal in order to proceed in forma pauperis. Though the information in Dairo’s supporting affidavit is scant, the Court will permit him to proceed in forma pauperis on

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<sup>1</sup>On June 7, 2024, the Eighth Circuit denied counsel’s motion to withdraw and Dairo’s motion for new counsel (Filing No. 60).

appeal based on the entire record, including Dairo's presentence investigation report. His motion is therefore granted.

IT IS SO ORDERED.

Dated this 20th day of June 2024.

BY THE COURT:

A handwritten signature in black ink, reading "Robert F. Rossiter, Jr." with a stylized flourish at the end.

Robert F. Rossiter, Jr.  
Chief United States District Judge